

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARY OSTER,

Plaintiff,

v.

HAROLD CLARKE, *et al*,

Defendants.

Case No. C07-5508RJB-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On September 21, 2007, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). Pursuant to 28 U.S.C. § 1915(b), a prisoner seeking to proceed *in forma pauperis* is required to submit a written acknowledgment and authorization form, authorizing the agency having custody over him to collect from his prison trust account an initial partial filing fee and subsequent monthly payments until the full filing fee is paid.

1 On September 26, 2007, the Clerk sent plaintiff a letter, informing him that he had submitted the
2 incorrect acknowledgment and authorization form. Specifically, plaintiff had failed to submit the form
3 indicating that the filing fee was now \$350.00. The Clerk further informed plaintiff that if the correct
4 form was not received from him by October 26, 2007, this matter could be subject to dismissal. To date,
5 plaintiff has not submitted that form.

6 Accordingly, the Court orders the following:

- 7 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than January 6, 2008**, a
8 copy of the proper acknowledgment and authorization form pursuant to 28 U.S.C. §
9 1915(b).

10 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
11 **prosecute this matter and the Court will recommend dismissal of this matter.**

- 12 (2) The Clerk is directed to send a copy of this Order to plaintiff[, along with the appropriate
13 acknowledgment and authorization form.

14 DATED this 7th day of December, 2007.

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17 Karen L. Strombom
18 United States Magistrate Judge
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